
REMARKS

Claims 14-20 are pending in the application as a result of the instant Amendment, while claims 1-13 and 21-34 are cancelled without prejudice to or disclaimer of the subject matter thereof.

Attached hereto is a Substitute Specification and a machine-generated redline version of the Specification showing deletions from and additions to the specification as originally filed. It is respectfully submitted that the Substitute Specification does not add prohibited new matter to the application.

It is respectfully submitted that the Preliminary Amendment places the above-identified application in even better condition for initial examination. In light of the amendments and remarks presented above, it is respectfully submitted that the application is in condition for allowance, and such action is hereby solicited.

If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Raymond H. J. Powell, Jr.
Reg. No. 34,231

WESTERLUND & POWELL, P.C.
100 Daingerfield Rd., Suite 100
Alexandria, Virginia 22314-2886
Tel: (703) 706-5862
Fax: (703) 706-5860

Date: July 7, 2003

MACHINE GENERATED RED-LINE
VERSION OF THE
SPECIFICATION

**RADICALLY SHAPED LENSES AND
GOGGLE ASSEMBLIES AND GLASSES EMPLOYING SAME**

SUMMARY OF RELATED APPLICATIONS

This is a ~~division~~ Divisional application of Serial No. 10/061,021, which was filed on
5 February 4, 2002, and which is a Continuation-in-Part of application Serial No. 09/645,339,
which was filed on August 25, 2000, which in turn claims priority from Provisional Application
No. 60/150,803, which was filed August 25, 1999.

BACKGROUND OF THE INVENTION

The present invention relates to see-through lenses. More particularly, the present
invention is directed to uniquely constructed, radically-shaped lenses, e.g., spheric or toric lenses
10 having a radius-of-curvature between 27-20 mm (20-27 base curve), adaptable primarily for use
in non-prescription sunglasses, sport goggles and the like.

~~The present applicant respectfully requests priority based on Provisional Application No.~~
~~60/150,803, which was filed August 25, 1999 in the name of inventor Elizabeth M. Pierotti, a~~
~~named inventor of the present invention. The Provisional Patent Application No. 60/150,803 is~~
incorporated herein by reference for all purposes.

As well as enhancing vision, eyeglasses also serve to protect the eye against all types of
15 foreign objects. Initially, the lenses employed in such eyeglasses were routinely made of glass
and were substantially flat in shape, a condition that created significant distortion around the
periphery of the lenses. More recently, lenses have been made of a variety of plastic or plastic-
like materials, often having dramatically curved surfaces. For example, swim or riding goggles
are well know to have teardrop-shaped lenses. While such lenses may reduce aerodynamic drag,
20 a wearer may suffer from undesirable peripheral distortion when viewing through such lenses.

Curved lenses employed in sports goggles, sunglasses or the like may be more or less elliptical in shape as required by the specific application. Such applications may include fashion eye wear, performance eye wear including swim and sport goggles, and sunglasses, as well as all manner of protective eye wear for use at home and on the job. In any particular use, the arc of the curved lens may vary in shape dependent on the overall circumference of the curved lens necessary to achieve undistorted vision. Lenses may be employed with a slight spherical appearance, i.e., a modified spheric, or ovoid arc. In such slightly curved lenses, there is a variable radius of curvature somewhere between 106-44 mm, e.g., a 5-12 base curve. In effect, the distance between the lens and eye may well differ at different locations on the lens. This may create significant distortion at the periphery of each lens.

The Government of the United States has procured a protective facemask assembly having a pair of semi-curved lenses of spheric or ovoid configuration. While these lenses may seem superficially similar to the present invention, closer inspection reveals a number of significant differences. Because the Government lenses are mounted in pockets creating the nose bridge of the facemask, the edge of each Government lens is truncated or cut-off to allow for assembly into its respective pocket. This naturally creates peripheral distortion for the wearer of the mask, when attempting to view through the truncated portion located near the mask nose. Another drawback of the Government procured spheric lens is the use of only a single size lens, i.e., "one size fits all." Each Government lens also incorporates two parts, a spheric lens and surrounding flange joined by a dedicated and detectable seam. This seam itself can distort the vision of the wearer. Furthermore, there is no suggestion that the flange surrounding the Government's spheric lens can be made of any desirable configuration.

It is clear that there exists a need in the art for an improved viewing lens capable of providing distortion free viewing in a fashionable design equally adaptable for use in most all types of eyewear including conventional, non prescription sunglasses. As will become apparent, the present invention provides a uniquely configured Bugeyes® lens assembly which optimizes

peripheral vision while minimizing the size of each lens and thus maximizing the aerodynamic flow of air around the lens.

SUMMARY OF THE INVENTION

5 There is a need in the art for eyewear lenses capable of providing maximum field-of-view with a minimum of distortion. Such lenses need be adaptable for eyewear including sports wear and fashion wear. The present invention provides such radically shaped lenses and associated eyewear.

10 The present invention is directed to a radically shaped lens adaptable for use as a viewing lens in protective eyewear, sunglasses, sport goggles, and swim wear utilized above the water. The invention includes a unique Bugeyes® lens wherein the radius of curvature of the lens is substantially constant from a normal eyeball as it scans throughout the viewing field. Because the radius of curvature is substantially constant, the radically shaped, Bugeyes® lens provides for
15 continuous, undistorted peripheral vision. The radius of curvature of each radically shaped lens is preferably in the range of 27-20 mm, e.g., an exemplary lens with a base curve in the range of 20-27.

 The Bugeyes® lens is of substantially constant thickness throughout the field of view and
20 the lens is optically correct and free from any prism effect throughout the periphery of the lens. The lens has a 0 power of magnification at all points in the viewing field when constructed of material having an index of refraction of between 1.55 and 1.66. A further feature of the present invention is that the closer the lens is positioned relative to the eye, the smaller in size the lens needs be. The lens should be no smaller than necessary to provide freedom of movement of the
25 wearer's eyelashes. As the separation between the lens and the eye increases, the size of the lens will also increase, with the maximum practical size of the lens directly related to the facial geometry and to the point at which the wearer's eyes field of vision overlap.

A pair of the radically-shaped lenses according to the present invention may be directly attached to a pair of stems (also referred to as temples) extending about opposite sides of the wearer's head or attached to a goggle strap of any size and shape. Each radically shaped lens may include a flange portion partially or totally surrounding the viewing lens. At the point where the lens and flange intersect, a seam may exist which visually differentiates between the lens and the flange. In one embodiment of the present invention, the lens and surrounding flange are separately constructed and joined at the seam. Alternatively, the lens and flange may be integrally constructed out of the same material with a gradual transition between the lens and flange portions providing a seamless appearance. Regardless of the type of construction employed, these flanges may serve to secure the lenses to a pair of eyeglass stems, padding, nose piece, ear piece, strap or the flange may be purely ornamental. The flange can be of any size, shape, color, texture, or material. It is also within the scope of the present invention to dispense with the flange altogether by directly connecting each radically shaped lens to the goggle or glass frame.

The percentage of the spheric lens which must be used for the field-of-view should be sufficient to provide undistorted peripheral vision of at least 20° vertical and 20° horizontal and may be as great as 80° to 94° at the distal portion of each lens. As the proximal portion of the radically shaped lens, the nose would restrict overall monocular vision to field-of-view of about 140° to 156°.

BRIEF DESCRIPTION OF THE DRAWINGS

The various advantages of the present invention will become apparent to one skilled in the art by reading the following specification and by reference to the following drawings in which:

FIG. 1 is a cross-sectional view of an eyeball and two curved lenses formed in accordance with the present invention and Fig. 1b illustrates changes in the viewing angle when one of the lenses 14 or 16 is disposed proximate the user's eye;

FIGS. 2a, 2b, 2c and 2d are face, side, top and back views, respectively, of a radically-shaped lens formed in accordance with the present invention;

FIGS. 3a and 3b are front and side views, respectively, of a radically-shaped lens mounted in a flange and formed in accordance with the present invention while FIGS. 3c and 3d provide alternative views of the lens illustrated in FIGS. 3c and 3d;

5 FIG. 4 is a perspective view of a performance goggle assembly formed in accordance with the present invention and including a pair of radically-shaped lenses formed in accordance with the embodiment of FIGS. 3a and 3b of the present invention;

FIG. 5 is a perspective view of a further performance goggle assembly formed in accordance with the present invention and including a pair of radically-shaped lenses formed in accordance with the embodiment of FIGS. 3a and 3b of the present invention;

10 FIG. 6 is a perspective view of a pair of glasses formed in accordance with the present invention and including a pair of radically-shaped lenses formed in accordance with the present invention;

FIG. 7 is a perspective view of a further pair of glasses formed in accordance with the present invention and including a pair of radically-shaped lenses formed in accordance with the present invention;

FIG. 8 is a perspective view of a further pair of glasses formed in accordance with the present invention and including a pair of radically-shaped lenses formed in accordance with the present invention; and

20 FIGS. 9a, 9b, and 9c provide additional information regarding the placement of the radically shaped lenses relative to the user's eye(s).

DESCRIPTION OF THE INVENTION

25 Illustrative embodiments and exemplary applications are described below with reference to the accompanying drawings in order to disclose the advantageous teachings of the present invention. Referring now to the drawings wherein like reference numerals designate like elements throughout, a typical eyeball is shown in cross-section in FIG. 1a at 10. The dotted line 12 traces the shape of the eyeball as it scans the field-of-view. The dotted lines 14 and 16 each show the shape of a radically shaped lens formed in accordance with the present invention. The

lens 14 is at all times substantially equal distance from the line 12 delineating the eyeball 10. In a similar manner, the lens 16 is also at all times substantially equal distance from the line 12 of the eyeball 10. As will be understood, the lens 14 has a smaller radius of curvature than the lens 16. The difference in size between the lenses 14 and 16 results in a different field-of-view when scanned by eyeball 10. It will be appreciated that whether a spheric lens the size and shape of lens 14 or the size and shape of lens 16 is employed would depend on the desired field-of-view. FIG. 1b illustrates changes in the direction of view as the eye 10 rotates about its center relative to one of the lenses 14, 16.

10 Turning now to FIGS. 2a, 2b, 2c, 2d, wherein various views are shown of a radically shaped lens 20 formed in accordance with the present invention. Lens 20 has a substantially constant radius of curvature, in the range of 27-20 mm, at least along the spheric axis. It will be appreciated that this radius of curvature may be constant with respect to all axes; if desired, the radius of curvature may be varied slightly along a, e.g., toric, axis. As also shown in FIG. 2a, the spheric shape of lens 20 is similar to the shape of half an eggshell, as discussed in greater detail in Provisional Patent Application 60/150,803. The thickness of spheric lens 20 is constructed to be substantially constant throughout. The percentage of the spheric shape of lens 20 used for viewing sufficient to provide undistorted peripheral vision of 20° vertical and 20° horizontal is between 80° and 94° at the distal portion 22 of the lens and between 140° and 156° at the proximal portion 24 of the lens.

25 Turning to FIGS. 3a and 3b, the radically shaped, e.g., spheric, lens 20 includes a surrounding flange portion 26. Flange 26 joins and supports spheric lens 20 while providing points of attachment for connecting lens 20 to the frame portion of glass wear or goggles. Flange 26 may be formed of any convenient shape. As shown in FIG. 3b, flange 26 includes an elongated portion 28 located near the distal end of lens 20 remotely positioned from the adjacent lens as discussed below. FIGS. 3c and 3d provide alternative views of the lens 20.

Referring now to FIG. 4, a radical performance sport goggle assembly is generally indicated at 30. Goggles 30 include a pair of radically shaped lenses 20 each formed in accordance with the present invention. Each of the lenses 20 has a substantially constant radius of curvature in the range of between 27-20 mm. Each of the lenses 20 is mounted in a frame or holder 30. Holder 30 may be formed of a hard plastic material or, preferably, may be formed of soft, impact resistant material. Holder 30 includes a pair of elongated eyepiece openings 34, with each opening 34 releasably retaining in place one lens 20. A particular retention assembly may comprise conventional clips, snaps, or other fasteners mounted on holder 30. When desired, each of the lenses 20 may be detached and replaced by different size lenses of the same or a different color. Holder 32 further includes end portions 36 with quick-release loop connector members 38 preferably formed of stretchable rubber, which may selectively enclose and retain opposite ends 40 of a strap 42 designed to extend around the wearer's head. By pulling the connector members 38 away from the wearer's face, it is possible to tighten the frame 30 and strap 42 about the wearer's head without forming any dangling ends. The strap 42 is preferably formed of sweat-absorbing material and may comprise a single band or two separate and yet connected band portions 44 and 46 which provide an ergonomic opening for secure and comfortable fit. As also shown in FIG. 4, a number of air flow/ventilation openings 48 are created between walls of each opening 34 and the radically shaped lenses 20. Because a considerable amount of air is allowed to move behind each of the lenses 20, they will not fog up as readily as conventional eyewear.

A particular benefit of the radically shaped lens 20 is its ability to be worn closer to the face than conventional eyewear. This is due to the radical radius of the Bugeyes® lens 20. Even though the lens 20 closely fits over the wearer's eye, the eyelashes will have sufficient room to open and close without interference from the inside wall of the lens 20. Because the lens 20 is much closer to the eye than with conventional eyewear, there is a significant improvement of the peripheral vision. Such improved peripheral vision may provide the wearer with superior advance warning of potential danger at the periphery of the lens. Likewise, when a foreign object impacts the face, the fact that lens 20 is closer to the face because of its radically-shaped

configuration, means that the distance that the impacted lens 20 moves is reduced, cushioning the blow to the face.

5 Instead of employing a frame or holder 34, the radically-shaped lenses 20 and surrounding flanges portions 26 may be directly attached to a strap 50 adaptable for encircling the wearer's head as shown in the embodiment of FIG. 5. A nose piece 52 joins the flanges 26 of the lenses 20 while a number of ventilation openings 54 extend through flanges 26 to allow air to freely circulate behind lenses 20.

10 As shown in FIG. 6, a pair of lenses 20 and surrounding flanges 26 formed in accordance with the present invention are mounted in a frame assembly 60 formed of soft rubber or similar cushioning material. Frame 60 includes a pair of stems 62, which extend from the flanges 26 beyond the ears of the wearer, not shown. A nosepiece 64 supports a pair of adjacently disposed lenses 20. At least one elongated ventilation slot 66 extends between each of the spheric-shaped
15 lenses 20 and the surrounding frame 60.

In a further aspect of the present invention shown in FIG. 7, glasses 70 includes two lenses 20 each surrounded by a flange member 26. A pair of semi-rigid stems 72 are each connected to an outer portion of one of the flanges 26. A separate pad 74 is connected to the
20 inner portion of each flange 26 with the pair of pads 74 serving to support the lenses 20 of glasses 70 on the bridge of the nose of the wearer, not shown. A connecting member 76 extends between flange members 26 and serves to join the lenses 20 together to form glasses 70.

In a yet further aspect of the present invention, the glasses 80 in FIG. 8 have eliminated
25 the need for flanges 26. Rather, each of the pair of lenses 20 is directly connected to a frame 82 by at least one holder 84, which may comprise a wire or plastic member. It is also within the scope of the present invention for the lenses 20 to be directly connected to a pair of glass stems, a frame, paddings, and nose pieces in a manner similar to conventional lenses.

For each of the glasses or goggle assemblies formed in accordance with the present invention, the radically-shaped lenses 20 can be formed of smaller size and have an overall smaller footprint than achieved in known lenses. The lenses 20 need only surround the visible portion of the eyeball to function as effective eyewear, sunglasses or sport goggles. The overall
5 spheric lens size is selected to meet the requirements of the particular sport or fashion application. This minimalistic approach particularly benefits speed related activities, sports, and even allows for a more even sun tan. When used in sunglasses, the smaller size of the radically-shaped lens 20 offers more peripheral protection from UV rays than standard eyewear because the radically-shaped lens 20 almost entirely surrounds the exposed portion of the eyeball and can
10 be worn much closer to the face than standard lenses. The overall advantages of the lens and goggles according to the present invention may best be understood from FIGS. 9a, 9b, and 9c, which provide views of the lens 20, or pair of lenses 20, disposed proximate to the user's eye(s).

The radically shaped lenses 20 exhibit a more aerodynamic in design when compared to
15 traditional lenses. More importantly, lens 20 can be individually sized to fit the eye/facial area appropriate for wearers ranging from small children to large adults. It within the scope of the present invention to create lenses 20 in various sizes, colors, and materials sufficient to satisfy the vision requirements of almost any potential wearer.

20 The radically shaped lens 20 can be manufactured in any color, and may include any coating or design on the front of the lenses. Because the lens 20 does not have to be completely solid, a number of ventilation openings may extend through lens 20 to assist in airflow through the lenses. This will significantly benefit a user when subjected to heat, fog, or extreme weather conditions. The flange 26 surrounding lens 26 may be the same color as the lens 20 or a different
25 color may be used to create two-toned eyewear. Glare resistant properties may be incorporated into the flange 26, while the viewing lens 20 may contain UV properties as achieved with a particular tint. Alternatively, the flanges 26 may incorporate artwork, lamination, or even a personal fashion statement. The flange 26 may be formed of any material, transparent or solid.

Thus, the present invention has been described herein with reference to a particular embodiment for a particular application. Those having ordinary skill in the art and access to the present teachings will recognize additional modifications, applications, and embodiments within the scope thereof.

5

It is therefore intended by the appended claims to cover any and all such applications, modifications and embodiments within the scope of the present invention